

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISON**

LATINOS FOR TRUMP, BLACKS  
FOR TRUMP, JOSHUA MACIAS,  
M.S., B. G., J.B., J.J.,

Plaintiffs.

V.

PETE SESSIONS, MITCH  
McCONNELL, NANCY PELOSI,  
MARK ZUCKERBERG, CHUCK  
SCHUMER, ALEXANDRIA  
OCASIO-CORTEZ, BRAD  
RAFFENSPERGER, ALL  
MEMBERS OF THE 117<sup>TH</sup> U.S.  
CONGRESS, et al.,

Defendants.

CIVIL ACTION NO. 6:21-CV-43

JURY TRIAL REQUESTED

**TEMPORARY RESTRAINING ORDER**

After considering Plaintiff's Motion for Temporary Restraining Order against Defendants, *ex parte*, due to the risk of immediate and irreparable harm, to be caused to Plaintiffs by the members of the illegitimate 117<sup>th</sup> "Congress" and the 46<sup>th</sup> "President," Joseph P. Biden,<sup>1</sup> whom said illegitimate Congress did unlawfully confirm to the office, who unlawfully hold the mantles of office, to temporarily restrain the effects of their illegal acts (including the barrage of executive orders, which severely threaten economic stability) and to restore the *status quo ante*, on the

<sup>1</sup> A third party beneficiary of the Defendants’ illegal acts, and who also participated in the 107<sup>th</sup> Congress in the legislative process leading up to and including his vote of “yes” to pass the Help America Vote Act of 2002, showing direct and specific knowledge of the law.

pleadings, declarations, expert reports, and other documentary evidence in support thereof, the Court FINDS as follows:

1. Plaintiffs will likely suffer the following immediate and irreparable injury, loss, or damage in the following manner: (1) loss of the ability to a government by consent of the governed by virtue of being deprived of the fundamental right to legally vote in federal elections; (2) imminent transformation of the United States into an oppressive police state that persecutes those with political views differing from those in control of government, and (3) severe financial harm without the ability to collect damages because of the risk that the United States will cease to be a safe haven for the capital assets of investors and that the economy is likely to experience severe instability if controlled by a patently illegitimate government seated in violation of the very election laws enacted for the purpose of assuring election integrity to the American People.

2. This injury is irreparable because it would be impossible to calculate an appropriate amount of monetary damages to compensate Plaintiffs for the loss of the right to a government by consent of the governed and the financial harm that would ensue with no clear way to recover monetary damages in the face of economic volatility.

3. There is a substantial likelihood that Plaintiffs will prevail on the merits of their claims.

4. The threatened harm to Plaintiff vastly outweighs the harm that a temporary restraining order would inflict on Defendants, which have no

constitutionally guaranteed right to personally hold office, especially in the face of the allegations in the Complaint and evidence in the record.

5. Issuance of a temporary restraining order would not adversely affect the public interest and public policy because it will serve to protect the public during the constitutional crisis until the Court can hold an evidentiary hearing.

6. This *ex parte* order is granted without notice to the Defendants because notice of a hearing risks that Defendants may destroy evidence and because it would be impracticable to serve the numerous amount of Defendants, and because, given the nature of egregious acts of Defendants alleged in the Complaint as supported by the evidence in the record to this date, including the documents attached to the Complaint, there is no less drastic remedy to protect the Plaintiffs' sacred constitutional and natural rights, i.e. the right to a government by consent of the governed by "We the People" through their substantive due process right to cast a legal vote in federal elections.

FOR THESE REASONS AND for the purpose of maintaining the *status quo ante*, on August 1, 2021,<sup>2</sup> of a republican form of government through the checks and balances prescribed in the Constitution of the United States, the Court hereby enters the following TEMPORARY RESTRAINING ORDER (the "TRO"), pending a Preliminary Injunction hearing:

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<sup>2</sup> August 1, 2021 is a date before the 2020 election campaigns for Congress and the President began. Oftentimes, there are seismic shifts in government bureaucracies and policy just prior to an election as government officials tend to shift policy and personnel positions in anticipation of who may come to power in the wake of an election.

## A. MATTERS OF CONDUCT OF LEGISLATIVE FUNCTION

- (1) As there is substantial likelihood that Plaintiffs will prevail on the merits, all members of the 117<sup>th</sup> US Congress, who were elected in the 2020 elections in apparent violation of the Help America Vote Act of 2002, as amended (“HAVA”) (all such members of Congress, collectively hereinafter, the “Disputed Congress”) shall be temporarily barred from holding public office;
- (2) All Senators who were not subject to the 2020 Election shall remain in office, except for current Senators who participated in the legislative process and/or the vote that led to the enactment of the HAVA shall also be temporarily barred from holding public office (the “Complicit Senators”) because they likely knew or reasonably should have known of the harm being perpetrated on the American electorate through pervasive violations of HAVA, yet failed to take any action to stop it;
- (3) All remaining Senators shall constitute the entire Legislative branch (the “Congress Pro Tempore”) but shall not have the power to enact new legislation or exercise any authority other than what is necessary for the minimum administrative or ministerial functions essential to the continuity of government;
- (4) All actions taken by Congress with the participation of any members of the Disputed Congress and/or the Complicit Senators (collectively, the “Restrained Congress”) since January 3, 2021, including but not limited to: (1) All actions taken under Title 3 of the United States Code in counting the Electoral College votes and confirming Joseph Biden as President-Elect, leading to his likely unlawful inauguration as President; (2) All actions taken pursuant to Article II, Section 4 of the Constitution to impeach and/or convict the 45<sup>th</sup> President, Donald J. Trump, during or after his term in office; and any other actions and/or legislation taken prior to notice of this TRO upon the Restrained Congress are hereby temporarily enjoined from enforcement, such that the same shall have no longer have lawfully enforceable effect pending a preliminary injunction hearing;
- (5) The Restrained Congress and their respective staff are temporarily enjoined from access to the U.S. Capitol building and any ancillary offices on Capitol Hill and local offices in their respective states, and from the use of all titles, benefits, or authorities therefrom;
- (6) The respective Sergeants at Arms of the Senate and of House of Representatives are hereby ORDERED to bar entry thereto and to take all

reasonable and necessary steps to immediately and without prior notice escort, escort any members of the Restrained Congress and their staff out of the Capitol building and their respective ancillary Washington, D.C. offices, and are further ordered to immediately lock all doors to the all such offices and rooms in the Capitol building and ancillary office buildings including congressional offices of Congress and preserving any materials located therein in said offices (the “Sequestered Materials”) not to be disturbed by any person absent order of this Court so as to be preserved for discovery and inspection in connection with the allegations set forth in Plaintiffs’ Complaint; no materials shall be removed by the Restrained Congress from the Capitol under any circumstance other than bona fide personal items on their physical person that do not include electronic devices and any items containing information related to their previous duties, which shall be confiscated and held for forensic inspection as the Court may direct and shall be considered to be part of the Sequestered Materials.

- (7) Any dispute or conflict that arises from this section pertaining to the legislative branch shall be presented to this Court, who shall be the final arbiter thereof while this TRO remains in effect;

## **B. MATTERS OF CONDUCT OF EXECUTIVE FUNCTION**

- (8) As there is a substantial likelihood that Plaintiffs will prevail on the merits that Congress’s act in confirming Joseph Biden as the President-Elect and Kamala Harris as Vice President-elect were unlawful acts by an illegitimate Congress. Accordingly, Mr. Biden, Ms. Harris, and the Executive Branch are hereby temporarily enjoined from exercising any authority to make a policy departure from the previous administration under President Donald J. Trump while this TRO remains in effect;
- (9) The Court hereby appoints a committee of special masters (the “Stewards”), one Steward for each Executive Branch Cabinet Position to be composed of the former members of the previous administration’s Cabinet existing as of August 1, 2020, a specific list of Stewards forthcoming;
- (10) The Stewards shall have the ability to utilize the West Wing of the White House to assure to take all reasonable and necessary steps to assure the lawful continuity of government and shall will have the exclusive authority as to staffing issues, including the retention of, replacement of, and maintenance of thereof, to the extent such actions would generally be considered administrative or procedural processes under normal circumstances;

- (11) All persons who participated or were complicit in the legislative process in the 107<sup>th</sup> Congress leading to enactment of the Help America Vote Act of 2002, including all amendments thereto and subsequent violations thereof, including but not limited to former Vice President Mike Pence, and any member of such persons' staff thereof shall be barred from holding any position and exercising any authority in government or administration of government while this TRO remains in effect and shall be specifically barred from acting as a Steward under this TRO;
- (12) The Stewards shall have the power to veto or reverse any decision regarding policy, foreign or domestic, or any action already taken or to be taken by Joe Biden, Kamala Harris, and the current Executive Branch, (collectively the "Disputed Administration") to the extent that any such action has not been already been restrained by this TRO as set forth below;
- (13) All executive actions taken by the Disputed Administration prior entry of this TRO and prior to notice of same shall hereby be temporarily reversed and given no effect, and the Disputed Administration shall take all necessary and proper action to immediately reverse such actions; any delay in taking such actions to reverse such actions shall held to be in contempt of this TRO and such persons acting in contempt shall be subject to the consequences of contempt set forth in the Federal Rules of Civil Procedure and any other applicable laws or rules of Court;
- (14) Together, the Stewards and the Congress Pro Tempore shall act jointly in administering government and shall be known, collectively, as the "Joint Trustees;" the same shall administer governmental activities for the continuity of government within the strict confines of the Constitution and as further constrained by this TRO;
- (15) Each of the two branches of temporary government as identified in the proceeding paragraph as the Joint Trustees shall appoint a "Speaker" for each branch, which shall affirmed by the other, who shall act jointly to address the nation, discuss operational policies and in the case of acts of extremis jointly hold the "emergency powers of President."
- (16) The Joint Trustees shall enact procedures among themselves to act in accordance with the lawful continuity of government to preserve the Constitution while this TRO is in effect;
- (17) Any dispute or conflict that arises from this section pertaining to the executive branch, the Stewards or the Joint Trustees shall be presented to this Court, who shall be the final arbiter thereof while this TRO remains in effect;

### C. USE OF THE WHITE HOUSE AND OTHER ASSETS

- (18) Joseph Biden and Jill Biden are hereby temporarily enjoined from using the residence of the White House and the Secret Service shall immediately relocate Mr. and Mrs. Biden to Blair House, the guest house of the sitting U.S. President, while this Order is in force, as residence in the White House is a privilege paid for by the American taxpayers;
- (19) The Secret Service is hereby ORDERED to immediately escort Joe Biden and Jill Biden (collectively, the “Bidens”) out of the White House and to their personal residence where the Secret Service shall provide all appropriate security and all appropriate measures to ensure secure communications for the continued function of the Executive Branch, prescribed by this TRO; their staff may use the White House offices to conduct official Executive Branch business subject to the above provisions and shall establish a secure method of communicating with Joseph Biden; the Secret Service shall arrange for delivery of all personal effects of the Bidens to Blair House and shall take all necessary actions to prevent the same from being removed from Blair House to preserve evidence related to this case;
- (20) The Bidens, Kamala Harris, and Doug Emhoff (collectively, the “Disputed Executive Families”) are hereby temporarily enjoined from deleting or removing any information from any electronic devices or clouds within their possession or control while this TRO remains in effect;
- (21) The Disputed Executive Families shall not be permitted to use Air Force One, Air Force Two, Marine One, Camp David, or any other similar vehicles, assets, or properties (the “Executive Assets”) without the express approval of the Joint Trustees by majority vote, on a case-by-case basis, and specifically not, under any circumstance for any political or ceremonial purpose;
- (22) The Stewards shall designate an “Emergency Steward” among one of themselves by any means they deem appropriate; if any matter arises that poses an imminent national security threat or similar exigent circumstance or threat relating to the well-being of the nation (“Emergency Event”); such matter shall be immediately communicated to the Stewards through a secure line; the Emergency Steward shall have the power that would normally be vested in the President of the United States during any such Emergency Event; the Emergency Steward, the Stewards, and other persons designated by the Emergency Steward shall have access to the Situation Room and any secure bunkers in, under, or ancillary to the White House or may brought in by teleconference, as may be appropriate; in no event shall



Joseph Biden or Kamala Harris have the authority to take any action in an Emergency Event but are required to immediately notify the Emergency Steward if they receive notice of any event which reasonably meets the definition of an Emergency Event.

- (23) The “Nuclear Football” shall be under the exclusive control and authority of the Stewards at all times and shall only be used by direct order of the Emergency Steward, who shall act in a manner of succession if both Speakers are incapacitated;

#### **D. MATTERS OF PROTECTION OF CIVIL RIGHTS RELATED TO THIS CASE**

The lawful purpose of the following temporary orders is to protect the civil rights of the Plaintiffs and persons with a probable right of action arising under this case who may later join as plaintiffs and their right to adequate representation by undersigned Counsel.

- (24) The Department of Justice, the Federal Bureau of Investigation, and any other bureaucratic federal agency with the power or ability to arrest and/or detain U.S. Citizens (the “Police Agencies”) are hereby temporarily enjoined from arresting and/or holding in custody Plaintiffs’ undersigned lead counsel, Paul M. Davis and co-counsel, Kellye SoRelle, and any other person who voted in the federal elections of 2020 and/or the 2021 Georgia Senate Runoff, which resulted in the Restrained Congress taking office on January 3, 2021, in relation to the exercise of their First Amendment civil right to peaceably assemble in protest provided that such persons (collectively and in their respective personal capacities, the “Peaceful Protestors”) sign a Declaration under penalty of perjury that they (1) voted in the 2020 federal election, (2) did not commit an unprovoked, non-defensive, overt, and intentional act of violence against a police officer or other security force that risked significant physical harm to the same; (3) did not use force to enter the Capitol building; and (4) did not intentionally vandalize any property in or around the Capitol building during their attendance at the January 6, 2021 protest in Washington, D.C. (the “March for Trump”);
- (25) If any of the Peaceful Protestors make such a declaration in the form on Exhibit 1 attached hereto, they may keep a copy in a secure location of their choosing, and if they are arrested and/or held in custody by a Police State Agency, any friend or family member of such person may deliver the same to Counsel for the Plaintiffs who will submit the same to the Court; and upon such submission the offending Police Agency shall appear before the Court to show good cause for holding such person by producing clear and convincing evidence that the Declaration is false; if the Police Agency fails to produce such evidence, the same shall release the Peaceful Protestor from



custody, unharmed, and shall refrain from harassing the same in any manner; to the extent any Police Agency takes into custody or harms the physical person of any Peaceful Protestors while this order is in effect or while this order is being considered by the Court after being publicly-filed on the Court's electronic docket without the Police Agency first obtaining clear and convincing evidence that any statement in the form of Declaration identified above is false, the agents acting on behalf of the Police Agency shall be held in contempt of court upon execution of this TRO;

- (26) Furthermore, any Person, whether private citizen or public official found to be threatening and/or taking an overt act against the safety and/or the life, liberty or property, including calling for the termination of, vandalizing the property of, threatening the family or friends of or taking any action to harm the same, or taking any similar action against a Peaceful Protestor who has signed a Declaration in the form described herein for the purpose of interfering with their civil rights related to this lawsuit shall be subject to contempt of Court proceedings, upon a showing of a preponderance of evidence that such conduct occurred for the purpose of interfering in such Peaceful Protestors' civil rights to participate in this lawsuit to have their grievances addressed by the federal courts; the Court to determine an appropriate remedy on a case-by-case basis;

**E. PROTECTION OF THIS COURT PENDING RESOLUTION OF THIS ACTION**

- (27) The Secret Service shall work jointly with the US Marshalls Service to ensure the safety and security of this Court and all members thereof until such time as this matter before the Court has been fully resolved and thereafter, as appropriate;

**F. OTHER ACTIONS TAKEN IN ANTICIPATION OF THE ENTRY OF THIS ORDER**

- (28) ANY PERSON AFFECTED BY THIS TRO, WHO, AFTER THE PUBLIC FILING OF PLAINTIFFS' PROPOSED FORM OF THIS TRO ON THE COURT'S ELECTRONIC DOCKET, WHO RECEIVES REASONABLE NOTICE THEREOF, AND THEN PROCEEDS TO TAKE ANY ACTION TO PREEMPTIVELY SUBVERT THE PURPOSE AND EFFECT OF THIS TRO, INCLUDING THE DESTRUCTION OF EVIDENCE OR INTERFERENCE WITH THE CIVIL RIGHTS OF PLAINTIFFS AND PEACEFUL PROTESTORS, SHALL BE SUBJECT TO CONTEMPT OF COURT PROCEEDINGS ON A CASE-BY-CASE BASIS.

The clerk is ORDERED to take all reasonable and necessary steps to work with Counsel for Plaintiffs to issue notice of this TEMPORARY RESTRAINING ORDER to all agencies, executives, legislative bodies of Government, including federal and state, or any other governmental authority necessary to execute the provisions of this Order, including, specifically, Joseph Biden, Kamala Harris, Defendants named in the Complaint acting in a capacity of government, or other persons as the Court may deem appropriate, including those persons who would qualify to be Stewards, members of Congress Pro Tempore, the Joint Trustees, and to the members and staff thereof and of the Disputed Administration and Restrained Congress, and that the hearing on Plaintiff's request for preliminary injunction is set for no less than 14 days from the entry of this order and shall be set, accordingly, on \_\_\_\_\_, 2021, at \_\_\_\_ a.m./p.m. However, given the voluminous amount of expedited discovery necessary to occur prior to the hearing on the request for preliminary injunction, Plaintiffs are encouraged to apply for extension of this TEMPORARY RESTRAINING ORDER for an additional 14 days pursuant to Fed. R. of Civ. P. 65(b)(2) and thereafter by agreement between the parties.

Plaintiff to post bond in the amount of \$\_\_\_\_\_.

This order will expire on \_\_\_\_\_, 2021.

SIGNED on \_\_\_\_\_, 2021, at \_\_\_\_\_ a.m./p.m.

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PRESIDING JUDGE

FORM OF ORDER SUBMITTED BY:

/s/ Paul M. Davis

Paul M. Davis

Texas Bar Number 24078401

Admitted to Western District of Texas

Former Associate General Counsel of

Goosehead Insurance, Inc.

(Terminated after peacefully protesting)

Now Solo Civil Rights Attorney

Kellye SoRelle

Law Office of Kellye SoRelle

Texas Bar Number 24053486

Admitted Pro Hac Vice

ATTORNEYS FOR PLAINTIFFS

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISON

LATINOS FOR TRUMP, BLACKS  
FOR TRUMP, JOSHUA MACIAS,  
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MEMBERS OF THE 117<sup>TH</sup> U.S.  
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Defendants.

CIVIL ACTION NO. 6:21-CV-43

JURY TRIAL REQUESTED

## DECLARATION

My name is \_\_\_\_\_. I am competent to make this Declaration  
and swear under penalty of perjury as follows:

1. "I voted in the 2020 federal election;
2. I did not commit an unprovoked, non-defensive, overt, and intentional act of violence against a police officer or other security force that could have resulted in physical harm to the person of the same;
3. I did not use force to enter the Capitol building; and

4. I did not vandalize any property in or around the Capitol building during their attendance at the January 6, 2021 protest in Washington, D.C. known as the 'March for Trump' or similar name."

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Signed on this day of:\_\_\_\_\_